

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

United States of America
v.

Franklin Pineda-Caceras
a/k/a Bomba

Defendant(s)

Case No.

19-MJ-2197

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 15, 2019 in the county of Davidson in the
Middle District of Tennessee, the defendant(s) violated:

Code Section

Offense Description

Title 8, United States Code, Section 1326(a) Illegal Reentry of a Previously Deported Alien

This criminal complaint is based on these facts:

See attached STATEMENT IN SUPPORT OF CRIMINAL COMPLAINT

☒ Continued on the attached sheet.


Complainant's signature
Christopher Lane, HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date:

9/16/2019


Judge's signature

City and state: Nashville, Tennessee

Jeffrey S. Frensley, United States Magistrate Judge
Printed name and title

STATEMENT IN SUPPORT OF CRIMINAL COMPLAINT

I, Christopher Lane, being first duly sworn on oath, state as follows:

Introduction

1. I am a federal law enforcement officer and Special Agent for Homeland Security Investigations (HSI), so employed for nine years. Prior to my current employment, I served as a Special Agent with Health & Human Services (HHS), Office of Inspector General (OIG) from February 2008 until February 2010. I also served as a United States Federal Air Marshal from May 2002 until February 2008.

2. The following information contained in this Affidavit is based on my training and experience and information provided to me by other law enforcement officials (hereafter collectively referred to as "Agents"). I have not included all of the facts of the investigation that I know. I have only included the facts that are necessary to establish probable cause for the arrest of Franklin PINEDA-CACERES, a/k/a "Bomba." Where conversations are related herein, they are not verbatim and are only related in substance and in part.

3. This Affidavit is submitted in support of a Criminal Complaint for the arrest of Franklin PINEDA-CACERES for unlawfully entering the United States after being previously removed from the United States, in violation of Title 8, United States Code, Section 1326(a).

Probable Cause

4. On October 4, 2017, Metropolitan-Nashville Police Department (MPND) officers and HSI agents encountered Franklin Jefferson PINEDA-CACERES at a residence in Nashville, Tennessee, as they executed an arrest warrant on another individual. Agents believed PINEDA-CACERES was in the United States illegally and transported him to the HSI Nashville office for

processing. PINEDA-CACERES admitted being a citizen of Honduras but believed he had some type of legal status. A biometrics check confirmed PINEDA-CACERES identity. An internal agency records check discovered PINEDA-CACERES unlawfully entered the United States in 2014 and had a final order of removal issued by the immigration Judge on June 7, 2016.

5. After being processed by HSI, MPND obtained an arrest warrant for PINEDA-CACERES based on drugs recovered at the time of his arrest. HSI lodged an immigration detainer with the Davidson County Sherriff's Office. On February 15, 2018, HSI took custody of PINEDA-CACERES and began processing him for removal from the United States. On May 3, 2018, PINEDA-CACERAS was placed on a plane in Dulles, Virginia, and deported from the United States by way of aircraft.

6. On July 17, 2019, HSI Agents and MNPD officers were informed that PINEDA-CACERAS had returned to the United States. Agents were advised that PINEDA-CACERAS was driving a silver Camaro and frequented a residence in Nashville, Tennessee. Agents monitored this residence and saw a silver Camaro park in front of this residence. PINEDA-CACERAS was positively identified and observed sitting in the driver's seat of the Camaro. Agents attempted to arrest PINEDA-CACERAS on an outstanding local arrest warrant for Aggravated Kidnapping but he evaded arrest. Agents found the Camaro damaged and abandoned shortly thereafter. Agents recovered cocaine, marijuana, digital scales, and sandwich bags from inside of the Camaro.

7. On September 15, 2019, MNPD officers learned PINEDA-CACERAS was involved in an accident. Inside of his car, officers recovered a distribution amount of cocaine. Officers subsequently went to Vanderbilt Hospital and positively identified PINEDA-CACERAS as a patient. MNPD officers arrested him on his outstanding Aggravated Kidnapping arrest warrant.

Conclusion

8. Based upon the foregoing facts, there is probable cause to believe that PINEDA CACERES unlawfully entered the United States after being previously removed, in violation of Title 8, United States Code, Section 1326(a).